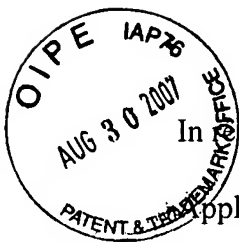


DOCKET NO.: 05-03-003
CLIENT NO.: UGSC01-05018
Customer No.: 45113

PATENT

AF
ER



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In application of : BARNABY HENDERSON ET AL.
Application No. : 10/706,843
Filed : November 12, 2003
For : SYSTEM, METHOD, AND COMPUTER PROGRAM PRODUCT
FOR STORING TEST RESULTS IN A DATABASE
Group No. : 2167
Examiner : Susan F. Rayyan

MAIL STOP APPEAL BRIEF-PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

The undersigned hereby certifies that the following documents:

- 1) Response to Notice of Non-Compliant Appeal Brief;
- 2) Substitute Appeal Brief; and
- 3) Postcard receipt

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to Mail Stop APPEAL BRIEF-PATENTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 8/27/07.

Date: 8/27/07

Kathy Cedeno
Mailer

Date: 8/27/07

Matthew S. Anderson
Matthew S. Anderson

Reg. No. 39,093

Docket Clerk
P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616

E-mail: manderson@munckbutrus.com

DOCKET NO. 05-03-003
CLIENT NO.: UGSC01-05018
Customer No. 45113



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : BARNABY HENDERSON, ET AL.
U.S. Serial No. : 10/706,843
Filed : November 12, 2003
For : SYSTEM, METHOD, AND COMPUTER PROGRAM
PRODUCT FOR STORING TEST RESULTS IN A DATABASE
Group No. : 2167
Examiner : Susan F. Rayyan

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

In response to the Notice of Non-Compliant Appeal Brief mailed August 6, 2007, the Applicant is submitting a Substitute Appeal Brief.

If any outstanding issues remain or if the Examiner has any suggestions for expediting allowance of this application, the Appellant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *manderson@munckbutrus.com*.

DOCKET NO. 05-03-003
SERIAL NO. 10/706,843
PATENT


The Commissioner is hereby authorized to charge any fees connected with this communication (including any extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK BUTRUS, P.C.

Date: 8/27/07^{ut}

Docket Clerk
P.O. Drawer 800889
Dallas, Texas 75380
Tel: (972) 628-3600
Fax: (972) 628-3616
Email: manderson@munckbutrus.com


Matthew S. Anderson
Registration No. 39,093

DOCKET NO. 05-03-003
CLIENT NO.: UGSC01-05018
Customer No. 45113



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : BARNABY HENDERSON, ET AL.
U.S. Serial No. : 10/706,843
Filed : November 12, 2003
For : SYSTEM, METHOD, AND COMPUTER PROGRAM
PRODUCT FOR STORING TEST RESULTS IN A DATABASE
Group No. : 2167
Examiner : Susan F. Rayyan

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBSTITUTE APPEAL BRIEF

Sir:

This Appeal Brief is submitted in response to the "Notice of Non-Compliant Appeal Brief" mailed August 6, 2007. Applicants herewith respectfully submit that the Examiner's decision of October 16, 2006, finally rejecting Claims 1-2, 6-7, and 11-12 in the present application, should be reversed, in view of the following arguments and authorities. No fee is believed due, but please charge any additional necessary fees to Deposit Account No. 50-0208.

TABLE OF CONTENTS

TABLE OF AUTHORITIES	3
Related Appeals or Interferences	4
Status of Claims	4
Status of Amendments after Final	4
SUMMARY OF CLAIMED SUBJECT MATTER	5
In General	5
Grounds of Rejection to be Reviewed on Appeal	8
1. Are Claims 1-2, 6-7, and 11-12 statutory subject matter under 35 U.S.C. § 101?	8
ARGUMENT	9
Stated Grounds of Rejection	9
Legal Standards	10
Analysis of Examiner's Rejection	11
First Ground of Rejection	13
Grouping of Claims	21
REQUESTED RELIEF	23

APPENDIX A - Text of Claims on Appeal

APPENDIX B - Copy of Formal Drawings

APPENDIX C - Evidence Appendix

APPENDIX D - Related Proceedings Appendix

TABLE OF AUTHORITIES

Cases

<i>AT&T Corp. v. Excel Communications, Inc.</i> , 172 F.3d 1352, 1358, 50 U.S.P.Q.2d 1447, 1452 (Fed. Cir. 1999)	10
<i>In re Iwahashi</i> , 888 F.2d 1370, 1374-75, 12 USPQ2d 1908, 1911-12 (Fed. Cir. 1989)	14
<i>Nelson v. Bowler</i> , 626 F.2d 853, 856, 206 USPQ 881, 883 (CCPA 1980)	11

Statutes

35 U.S.C. § 101	10, 11, 13
-----------------------	------------

Regulations

MPEP 2107	17
-----------------	----

Real Party in Interest

The real party in interest, and assignee of this case, is UGS Corp.

Related Appeals or Interferences

To the best knowledge and belief of the undersigned attorney, there are none.

Status of Claims

Claims 1-2, 6-7, and 11-12 are under final rejection, and are each appealed. Claims 3-4, 8-9, and 13-14 are objected to.

Status of Amendments after Final

No amendments were made after final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

The following summary refers to disclosed embodiments and their advantages, but does not delimit any of the claimed inventions.

In General

The present application is directed, in general, to a system, method, and computer program product for creating and managing a database. In one embodiment, product test results are efficiently stored in a database in such a way that the database updates test result entries on the basis of result changes as successive build tests are performed. *Page 4, lines 2-7.*

Support for Independent Claims

Note that, per 37 CFR §41.37, only each of the independent claims and separately-argued dependent claims including “means-plus-function” language involved in the appeal are discussed in this section. In the arguments below, however, various dependent claims may be discussed and distinguished from the prior art. The discussion of the claims is for illustrative purposes, and is not intended to affect the scope of the claims.

Independent claim 1 describes a method for storing test results in a database. The method includes receiving test results (205). The test results include a plurality of test result records, and each test result record is associated with a test identifier, a build version identifier, and a test result identifier. The method also includes storing the test results in a temporary storage location (210). The method also includes comparing each test result record with the contents of a test result database

(220). The test result database has a plurality of compiled test result records, and each compiled test result record is associated with a test identifier, a start build version identifier, an end build version identifier, and a test result identifier. The method also includes, if a test result record and a compiled test result record have matching test identifiers and matching test result identifiers (220/225), then discarding the test result record (230); The method also includes, if a test result record and a compiled test result record have matching test identifiers and different test result identifiers (220/225), then modifying the end build identifier of the compiled test result record (235) and creating a new compiled test result record in the test result database (250). The new compiled test result record has the same test identifier and test result identifier as the test result record, and has a start build version identifier corresponding to the build version identifier of the test result record.

Page 8, line 7 – page 12, line 25 and Figures 2-4.

Independent claim 6 describes a data processing system (100) having at least a processor and accessible memory (104/108). The system includes means (*e.g., keyboard/mouse adapter 118, disk controller 120, and I/O adapter 122 described on page 7, lines 1-4*) for receiving test results (205), the test results including a plurality of test result records, each test result record associated with a test identifier, a build version identifier, and a test result identifier. The system also includes means (*e.g., processor 102, level two cache/bridge 104, main memory 108, and disk controller 120, described on page 6, line 20 – page 7, line 5*) for storing the test results in a temporary storage location (210). The system also includes means (102) for comparing each test result record with the contents of a test result database (220), the test result database having a plurality of compiled test result records, each

compiled test result record associated with a test identifier, a start build version identifier, an end build version identifier, and a test result identifier. The system also includes means (*e.g.*, *processor 102 described on page 6, lines 18-26*) for, if a test result record and a compiled test result record have matching test identifiers and matching test result identifiers (220/225), discarding the test result record (230). The system also includes means (*e.g.*, *processor 102 described on page 6, lines 18-26*) for, if a test result record and a compiled test result record have matching test identifiers and different test result identifiers (220/225), modifying the end build identifier of the compiled test result record (235) and creating a new compiled test result record in the test result database (250), the new compiled test result record having the same test identifier and test result identifier as the test result record, and having a start build version identifier corresponding to the build version identifier of the test result record. *Page 6, line 18 – page 8, line 6; page 8, line 7 – page 12, line 25 and Figures 1-4.*

Independent claim 11 describes a computer program product tangibly embodied in a machine-readable medium. The computer program product includes instructions for receiving test results (205), the test results including a plurality of test result records, each test result record associated with a test identifier, a build version identifier, and a test result identifier. The computer program product also includes instructions for storing the test results in a temporary storage location (210). The computer program product also includes instructions for comparing each test result record with the contents of a test result database (220), the test result database having a plurality of compiled test result records, each compiled test result record associated with a test identifier, a start build version identifier, an end build version identifier, and a test result identifier. The computer

program product also includes instructions for, if a test result record and a compiled test result record have matching test identifiers and matching test result identifiers (220/225), discarding the test result record (230). The computer program product also includes instructions for, if a test result record and a compiled test result record have matching test identifiers and different test result identifiers (220/225), modifying the end build identifier of the compiled test result record (235) and instructions for creating a new compiled test result record in the test result database (250), the new compiled test result record having the same test identifier and test result identifier as the test result record, and having a start build version identifier corresponding to the build version identifier of the test result record. *Page 8, line 7 – page 12, line 25; page 13, line 25 – page 14, line 12; and Figures 2-4.*

Grounds of Rejection to be Reviewed on Appeal

1. Are Claims 1-2, 6-7, and 11-12 statutory subject matter under 35 U.S.C. § 101

ARGUMENT

Stated Grounds of Rejection

The rejections outstanding against the Claims are as follows:

In the October 16, 2006 Office Action, Claims 1-2, 6-7, and 11-12 were rejected as directed to non-statutory subject matter under 35 U.S.C. § 101.

Claims 3-4, 8-9, and 13-14 were also rejected in the final Office Action, but these rejections were withdrawn in the Advisory Action.

Legal Standards

35 U.S.C. § 101 describes inventions patentable:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The Federal Circuit has held that a process claim that applies a mathematical algorithm to "produce a useful, concrete, tangible result without pre-empting other uses of the mathematical principle" on its face "comfortably falls within the scope of § 101." (*AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 1358, 50 U.S.P.Q.2d 1447, 1452 (Fed. Cir. 1999)).

The Official Gazette notice dated November 22, 2005 (now incorporated into the MPEP, while noting that it does not have any actual legal effect) specifically describes how a claimed invention must produce a useful, concrete, and tangible result. A claimed invention is "useful" when it satisfies the utility requirement of § 101. A claimed invention produces a "concrete" result when it can produce a result that is substantially repeatable or that substantially produces the same result again. A claimed invention produces a "tangible" result when a claim sets forth a "practical application" of a § 101 judicial exception to produce a "real-world result." The "tangible" requirement does not require that a claim be tied to a particular machine or apparatus or that a claim operate to change articles or materials.

Analysis of Examiner's Rejection

There are no rejections over prior art. The only rejections are under 35 USC § 101, regarding statutory subject matter.

Claims 1-2 are directed to methods, claims 6-7 are directed to a corresponding data processing system, and claims 11-12 are directed to a corresponding computer program product. A method is, of course, statutory subject matter, as 35 USC § 101 specifically authorizes patent protection for any new and useful process. There are no further restrictions in the statute itself.

Similarly, a data processing system having at least a processor and accessible memory is unquestionably patentable subject matter, and “computer program products” that are tangibly embodied in a machine-readable medium have long been held to be statutory.

Examiner Rayyan does not allege any art at all showing that the claimed methods are not novel and unobvious. The only issue is whether the claimed method, system, and computer program products are “useful” within the meaning of 35 U.S.C. § 101, or whether it satisfies the utility requirement of § 101. “Practical utility is a shorthand way of attributing ‘real-world’ value to claimed subject matter. In other words, one skilled in the art can use a claimed discovery in a manner which provides some immediate benefit to the public.” *Nelson v. Bowler*, 626 F.2d 853, 856, 206 USPQ 881, 883 (CCPA 1980). There is no question at all that the claimed inventions can be used in a manner that provides an immediate benefit. The crux of Examiner Rayyan’s rejection is that she proposes a hypothetical in which she suggests it is possible that the claimed method could be

completed without resulting in a permanent change to data, although data is always unquestionably stored on at least a temporary basis.

Examiner Rayyan also alleges that the claimed inventions, including the claimed data processing system with a processor and accessible memory, “lack the necessary physical articles or objects to constitute a machine or manufacture within the meaning of 35 USC 101.” This is clearly factually incorrect.

First Ground of Rejection

Claims 1-2, 6-7, and 11-12 were rejected as directed to non-statutory subject matter under 35 U.S.C. § 101.

Claims 1-2 and 11-12

Claim 1 provides:

1. A method for storing test results in a database, comprising:
receiving test results, the test results including a plurality of test result records, each test result record associated with a test identifier, a build version identifier, and a test result identifier;
storing the test results in a temporary storage location;
comparing each test result record with the contents of a test result database, the test result database having a plurality of compiled test result records, each compiled test result record associated with a test identifier, a start build version identifier, an end build version identifier, and a test result identifier;
if a test result record and a compiled test result record have matching test identifiers and matching test result identifiers, then discarding the test result record; and
if a test result record and a compiled test result record have matching test identifiers and different test result identifiers, then modifying the end build identifier of the compiled test result record and creating a new compiled test result record in the test result database, the new compiled test result record having the same test identifier and test result identifier as the test result record, and having a start build version identifier

corresponding to the build version identifier of the test result record.

Claim 2 depends from claim 1, and indicates further limitations to the method performed. Claim 11 describes a computer-program product tangibly embodied in a machine-readable medium, comprising instructions for performing steps according to the method of claim 1. Claim 12 depends from claim 11, and indicates further limitations to the claimed computer program product. As these claims closely correspond, the arguments to Claim 1 apply to claim 11 and the respective dependent claims 2 and 12.

The sole justification given by the Examiner for this rejection is a piecemeal analysis of one sequence of steps that the Examiner alleges would produce no tangible result. In particular, the Examiner alleges that because some test results could be (and indeed are) discarded, the claimed process has no tangible result. The Examiner's analysis is flawed.

As clearly stated in MPEP 2106, "[o]ffice personnel must treat each claim as a whole" (emphasis added). This principle is followed in *In re Iwahashi*, 888 F.2d 1370, 1374-75, 12 USPQ2d 1908, 1911-12 (Fed. Cir. 1989, cited with approval in *Alappat*, 33 F.3d at 1544 n.24, 31 USPQ2d at 1558 n.24." (emphasis added). As the Examiner's analysis does not consider the results of the claimed process as a whole, the rejection is improper.

Applicant initially notes that the common "utility" rejection made currently made by the Office in computer-related methods concerns whether or not the claims describe any steps of

“storing” or “displaying” something. As can be seen in this claim, all received test results are stored in temporary storage, for use in comparing against results stored in a database.

Claim 1, taken as a whole, describes a method for storing test results in a database, which is clearly a tangible result and practical and useful application. This process has an additional advantage in that test results having the same test identifiers and test result identifiers as a previous test need not be stored, so that the results database is smaller than if a conventional process of storing every result were followed. In this way, the very step of not storing certain results has both a tangible result and a practical advantage over other methods. Such advantages are described, for example, in paragraphs 0045-0053 of the specification as filed. As a whole, the claimed invention is clearly useful.

The Examiner now makes an expanded argument that it is an “inevitable possibility” that a comparison between the claimed test result record and the claimed compiled test result record would result in “no matching test identifier”, and that because this possibility is not explicitly addressed in Claim 1, the claim as a whole “does not provide real world results for all possible results from the comparison step.” The Examiner is incorrect.

Claims 1, 6, and 11 address those embodiments where specific record modifications are made depending on whether or not the test result has changed for a given matching test identifier. This embodiment is useful in typical regression testing, well known to those of skill in the art, where an identical set of tests are re-run after some code change. In this case, there test identifiers will always find a match, since the same test are being run.

In this very typical case, because the conditions are such that there are no “new” tests, then there is no “inevitable possibility” that there will be no matching test identifier, as alleged by Examiner Rayyan, and every comparison will result in either a modification of a record, in the event of different results, or no modification, in the case of matching results. This provides advantages as described above.

There is no legal requirement at all that these claims be drawn to narrower embodiments.

Dependent claims 3-4, 8-9, and 13-14, now allowed, address other embodiments in which additional or new tests are run, as described in the specification, so that there is no matching test identifier. When this is the case, new records are created. As described in the specification, this function can be performed separately from the initial comparisons, and this function is claimed as a further limitation to the respective independent claims. This function is not “integral” to the method of the independent claims, as alleged by the Examiner, for the simple reason that if the same sets of tests are re-run, as in a very common regression testing case, then there is never a need for a specific function for non-matching test identifiers.

Examiner Rayyan makes the statement, in the first and final Office Actions, that “The claim does not provide a tangible result for all possible results from the comparison step.” This statement is incorrect, as described above, but also is not a requirement for patentability. The Examiner has been requested one to cite any statutory or common-law basis for this novel “all possible results” test. The Examiner has failed to do so, certainly because there is no such legal requirement.

Examiner Rayyan states in her Advisory Action that “Each possible branch of the decision tree within the claim must be addressed and each branch must be statutory in order for the claim to be statutory [*sic*].” Each branch of the “decision tree” within the claim is, in fact, within the claim, and the statement that “each branch must be statutory in order for the claim to be statutory” is clearly legally incorrect. The courts and MPEP are clear that the claim is analyzed as a whole, not the individual limitations. Few limitations in any method claim of any issued patent, standing alone, would produce a concrete, tangible, and practical result.

MPEP 2107 is clear: “An applicant need only provide one credible assertion of specific and substantial utility for each claimed invention to satisfy the utility requirement.” The specific and substantial utility of the claimed methods is extremely well known in the art, as described in detail in the specification and as further indicated by the other references helpfully made of record by the Examiner. Applicant has met the burden under MPEP 2107 to provide a credible assertion of specific and substantial utility for each claimed invention, and so the utility requirement is satisfied.

Since there is clearly a “credible assertion of specific and substantial utility for each claimed invention,” and the Examiner still maintains a rejection based on utility, Examiner Mai is required to make a *prima facie* showing that such utility is lacking. Again, per MPEP 2107:

(1) Where the asserted utility is not specific or substantial, a *prima facie* showing must establish that it is more likely than not that a person of ordinary skill in the art would not consider that any utility asserted by the applicant would be specific and substantial. The *prima facie* showing must contain the following elements:

(i) An explanation that clearly sets forth the reasoning used in concluding that the asserted utility for the claimed invention is not both specific and substantial nor well-established;

(ii) Support for factual findings relied upon in reaching this conclusion; and

(iii) An evaluation of all relevant evidence of record, including utilities taught in the closest prior art.

(2) Where the asserted specific and substantial utility is not credible, a *prima facie* showing of no specific and substantial credible utility must establish that it is more likely than not that a person skilled in the art would not consider credible any specific and substantial utility asserted by the applicant for the claimed invention. The *prima facie* showing must contain the following elements:

(i) An explanation that clearly sets forth the reasoning used in concluding that the asserted specific and substantial utility is not credible;

(ii) Support for factual findings relied upon in reaching this conclusion; and

(iii) An evaluation of all relevant evidence of record, including utilities taught in the closest prior art.

(3) Where no specific and substantial utility is disclosed or is well-established, a *prima facie* showing of no specific and substantial utility need only establish that applicant has not asserted a utility and that, on the record before the examiner, there is no known well-established utility.

(D) A rejection based on lack of utility should not be maintained if an asserted utility for the claimed invention would be considered specific, substantial, and credible by a person of ordinary skill in the art in view of all evidence of record.

As Applicant has made a credible assertion of specific and substantial utility for each claimed invention, and Examiner Rayyan has not made any of the showings required, the rejections are legally deficient and should be reversed.

The rejection of this claim, and its dependent claims, should be reversed.

Claims 6-7

Claim 6 provides:

6. (Original) A data processing system having at least a processor
and accessible memory, comprising:

means for receiving test results, the test results including a plurality
of test result records, each test result record associated with a
test identifier, a build version identifier, and a test result
identifier;

means for storing the test results in a temporary storage location;

means for comparing each test result record with the contents of a test
result database, the test result database having a plurality of
compiled test result records, each compiled test result record
associated with a test identifier, a start build version identifier,
an end build version identifier, and a test result identifier;

means for, if a test result record and a compiled test result record
have matching test identifiers and matching test result
identifiers, discarding the test result record; and

means for, if a test result record and a compiled test result record
have matching test identifiers and different test result
identifiers, modifying the end build identifier of the compiled
test result record and creating a new compiled test result
record in the test result database, the new compiled test result
record having the same test identifier and test result identifier
as the test result record, and having a start build version
identifier corresponding to the build version identifier of the
test result record.

Claim 7 depends from claim 6, and indicates further limitations to the claimed data processing system.

The rejection to these claims is the same of that made above to claims 1-2, and so the arguments made above apply here as well and are incorporated by reference.

Claims 6 addresses those embodiments where specific record modifications are made in the claimed data processing system depending on whether or not the test result has changed for a given matching test identifier. This embodiment is useful in typical regression testing, well known to those of skill in the art, where an identical set of tests are re-run after some code change. In this case, there test identifiers will always find a match, since the same test are being run. As described above, the storage required for the test results is less than that in conventional processes, and so the data processing system is particularly useful for performing tests such as regression testing where storage must be carefully managed.

The usefulness of such a system is apparent. Such a data processing system as claimed is clearly useful, and is statutory subject matter, for at least the reasons described above with relation to claim 1.

The rejection of this claim, and its dependent claims, should be reversed.

Grouping of Claims

The claims on appeal do not stand or fall together. Each claim or group of claims that has been argued separately under a separate subheading should be considered separately. While the applicant recognizes that a formal statement regarding the grouping of claims is no longer required,

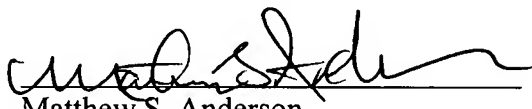
each claim or claim group which is argued separately in the preceding sections of this brief should be considered separately. Argument: The fact that the claims use different formulations (as detailed above) and/or have been argued separately, shows that, if their patentability is not considered separately, any adverse decision would show that the limitations of some claims had been unfairly ignored.

REQUESTED RELIEF

The Board is respectfully requested to reverse the outstanding rejections and return this application to the Examiner for allowance.

Respectfully submitted,
MUNCK BUTRUS, P.C.

Date: 3/24/7


Matthew S. Anderson
Registration No. 39,093
Attorney for Applicant

P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616
E-mail: manderson@munckbutrus.com



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : BARNABY HENDERSON, ET AL.
U.S. Serial No. : 10/706,843
Filed : November 12, 2003
For : SYSTEM, METHOD, AND COMPUTER PROGRAM
PRODUCT FOR STORING TEST RESULTS IN A
DATABASE
Group No. : 2167
Examiner : Susan F. Rayyan

APPENDIX A -
Text of Claims on Appeal

1. (Original) A method for storing test results in a database, comprising:
 - receiving test results, the test results including a plurality of test result records, each test result record associated with a test identifier, a build version identifier, and a test result identifier;
 - storing the test results in a temporary storage location;
 - comparing each test result record with the contents of a test result database, the test result database having a plurality of compiled test result records, each compiled test result record associated with a test identifier, a start build version identifier, an end build version identifier, and a test result identifier;
 - if a test result record and a compiled test result record have matching test identifiers and matching test result identifiers, then discarding the test result record; and
 - if a test result record and a compiled test result record have matching test identifiers and different test result identifiers, then modifying the end build identifier of the compiled test result record and creating a new compiled test result record in the test result database, the new compiled test result record having the same test identifier and test result identifier as the test result record, and having a start build version identifier corresponding to the build version identifier of the test result record.

2. (Original) The method of claim 1, wherein when a test result record and a compiled test result record have matching test identifiers and different test result identifiers, then the end build identifier of the compiled test result record is modified to have a value of one less than the build version identifier of the test result record.
3. (Original) The method of claim 1, further comprising, if a compiled test result record has no matching test identifier as a test result record in the temporary storage location, then modifying the end build identifier of the compiled test result record to have a value of one less than the build version identifier of the test result record, and creating a new compiled test result record in the test result database, the new compiled test result record having the same test identifier as the test result record, and having a start build version identifier corresponding to the build version identifier of the test result record, and having a test result identifier indicating that a test was not run.
4. (Original) The method of claim 1, further comprising, if a test result record in the temporary storage location has no matching test identifier as a compiled test result record, then creating a new compiled test result record in the test result database, the new compiled test result record having the same test identifier as the test result record, and having a start build version identifier corresponding to the build version identifier of the test result record, and having the same test result identifier as the test result record.
5. (Withdrawn) A method for storing test results in a database, comprising:
receiving test results, the test results including a plurality of test result records, each test result record indicating a test name, a test result, and a build identifier;
storing the test results in a temporary storage location;
comparing each test result record with the contents of a test result database, the test result database having a plurality of compiled test result records, each compiled test result record associated with a test name, a test result, and a build range corresponding to the test name and test result;

modifying the build range of each compiled test result record to include the build identifier of a test result record having the same test name and test result as the compiled test result record.

6. (Original) A data processing system having at least a processor and accessible memory, comprising:

means for receiving test results, the test results including a plurality of test result records, each test result record associated with a test identifier, a build version identifier, and a test result identifier;

means for storing the test results in a temporary storage location;

means for comparing each test result record with the contents of a test result database, the test result database having a plurality of compiled test result records, each compiled test result record associated with a test identifier, a start build version identifier, an end build version identifier, and a test result identifier;

means for, if a test result record and a compiled test result record have matching test identifiers and matching test result identifiers, discarding the test result record; and

means for, if a test result record and a compiled test result record have matching test identifiers and different test result identifiers, modifying the end build identifier of the compiled test result record and creating a new compiled test result record in the test result database, the new compiled test result record having the same test identifier and test result identifier as the test result record, and having a start build version identifier corresponding to the build version identifier of the test result record.

7. (Original)The data processing system of claim 6, wherein when a test result record and a compiled test result record have matching test identifiers and different test result identifiers, then the end build identifier of the compiled test result record is modified to have a value of one less than the build version identifier of the test result record.

8. (Original) The data processing system of claim 6, further comprising means for, if a compiled test result record has no matching test identifier as a test result record in the temporary storage location, modifying the end build identifier of the compiled test result record to have a value of one less than the build version identifier of the test result record, and means for creating a new compiled test result record in the test result database, the new compiled test result record having the same test identifier as the test result record, and having a start build version identifier corresponding to the build version identifier of the test result record, and having a test result identifier indicating that a test was not run.
9. (Original) The data processing system of claim 6, further comprising means for, if a test result record in the temporary storage location has no matching test identifier as a compiled test result record, creating a new compiled test result record in the test result database, the new compiled test result record having the same test identifier as the test result record, and having a start build version identifier corresponding to the build version identifier of the test result record, and having the same test result identifier as the test result record.
10. (Withdrawn) A data processing system having at least a processor and accessible memory, comprising:
means for receiving test results, the test results including a plurality of test result records, each test result record indicating a test name, a test result, and a build identifier;
means for storing the test results in a temporary storage location;
means for comparing each test result record with the contents of a test result database, the test result database having a plurality of compiled test result records, each compiled test result record associated with a test name, a test result, and a build range corresponding to the test name and test result; and
means for modifying the build range of each compiled test result record to include the build identifier of a test result record having the same test name and test result as the compiled test result record.

11. (Original) A computer program product tangibly embodied in a machine-readable medium, comprising:
 - instructions for receiving test results, the test results including a plurality of test result records, each test result record associated with a test identifier, a build version identifier, and a test result identifier;
 - instructions for storing the test results in a temporary storage location;
 - instructions for comparing each test result record with the contents of a test result database, the test result database having a plurality of compiled test result records, each compiled test result record associated with a test identifier, a start build version identifier, an end build version identifier, and a test result identifier;
 - instructions for, if a test result record and a compiled test result record have matching test identifiers and matching test result identifiers, discarding the test result record; and
 - instructions for, if a test result record and a compiled test result record have matching test identifiers and different test result identifiers, modifying the end build identifier of the compiled test result record and instructions for creating a new compiled test result record in the test result database, the new compiled test result record having the same test identifier and test result identifier as the test result record, and having a start build version identifier corresponding to the build version identifier of the test result record.
12. (Original) The computer program product of claim 11, wherein when a test result record and a compiled test result record have matching test identifiers and different test result identifiers, then the end build identifier of the compiled test result record is modified to have a value of one less than the build version identifier of the test result record.

13. (Original) The computer program product of claim 11, further comprising instructions for, if a compiled test result record has no matching test identifier as a test result record in the temporary storage location, modifying the end build identifier of the compiled test result record to have a value of one less than the build version identifier of the test result record, and instructions for creating a new compiled test result record in the test result database, the new compiled test result record having the same test identifier as the test result record, and having a start build version identifier corresponding to the build version identifier of the test result record, and having a test result identifier indicating that a test was not run.
14. (Original) The computer program product of claim 11, further comprising instructions for, if a test result record in the temporary storage location has no matching test identifier as a compiled test result record, creating a new compiled test result record in the test result database, the new compiled test result record having the same test identifier as the test result record, and having a start build version identifier corresponding to the build version identifier of the test result record, and having the same test result identifier as the test result record.

15. (Withdrawn) A computer program product tangibly embodied in a machine-readable medium, comprising:
- instructions for receiving test results, the test results including a plurality of test result records, each test result record indicating a test name, a test result, and a build identifier;
 - instructions for storing the test results in a temporary storage location;
 - instructions for comparing each test result record with the contents of a test result database, the test result database having a plurality of compiled test result records, each compiled test result record associated with a test name, a test result, and a build range corresponding to the test name and test result; and
 - instructions for modifying the build range of each compiled test result record to include the build identifier of a test result record having the same test name and test result as the compiled test result record.

DOCKET NO. 05-03-003
CLIENT NO.: UGSC01-05018
Customer No. 45113



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : BARNABY HENDERSON, ET AL.
U.S. Serial No. : 10/706,843
Filed : November 12, 2003
For : SYSTEM, METHOD, AND COMPUTER PROGRAM
PRODUCT FOR STORING TEST RESULTS IN A
DATABASE
Group No. : 2167
Examiner : Susan F. Rayyan

APPENDIX B -
Copy of Formal Drawings

Appeal Brief – Serial No. 10/706,843 Appendix B

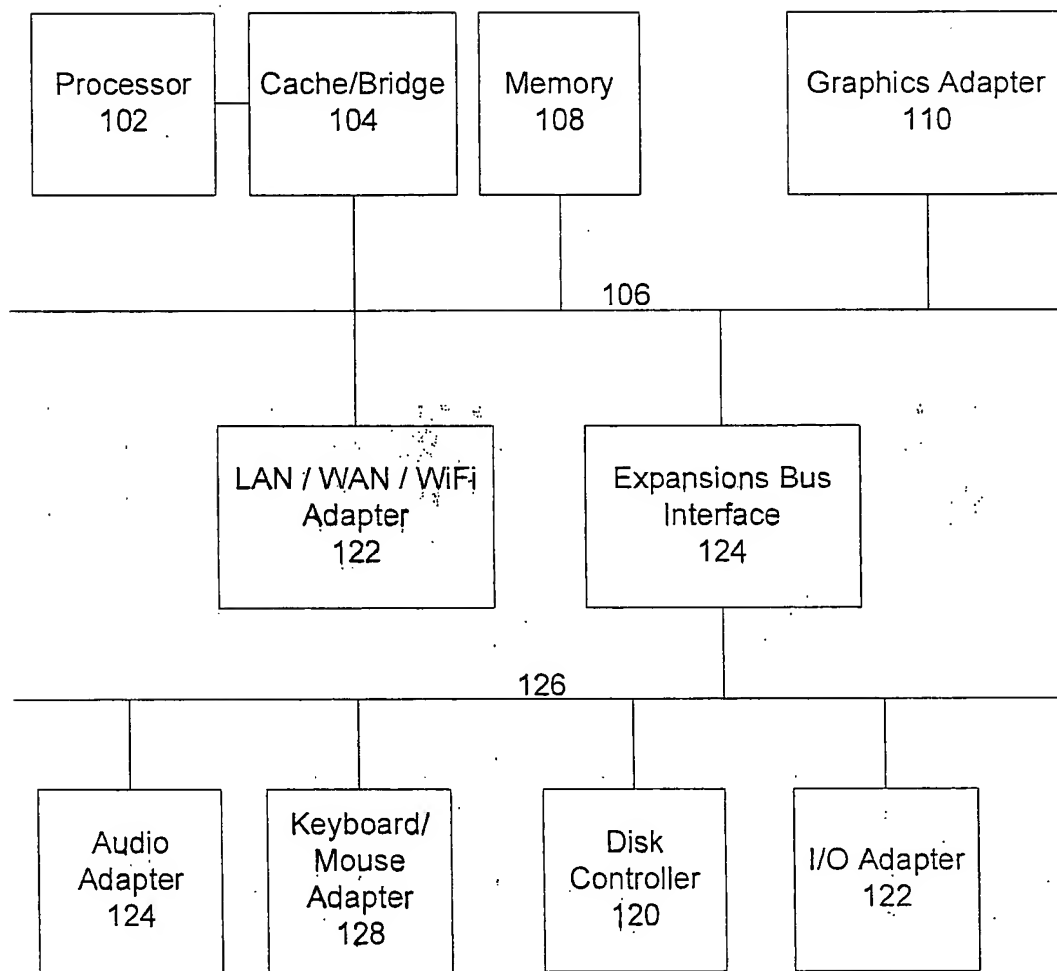


Figure 1

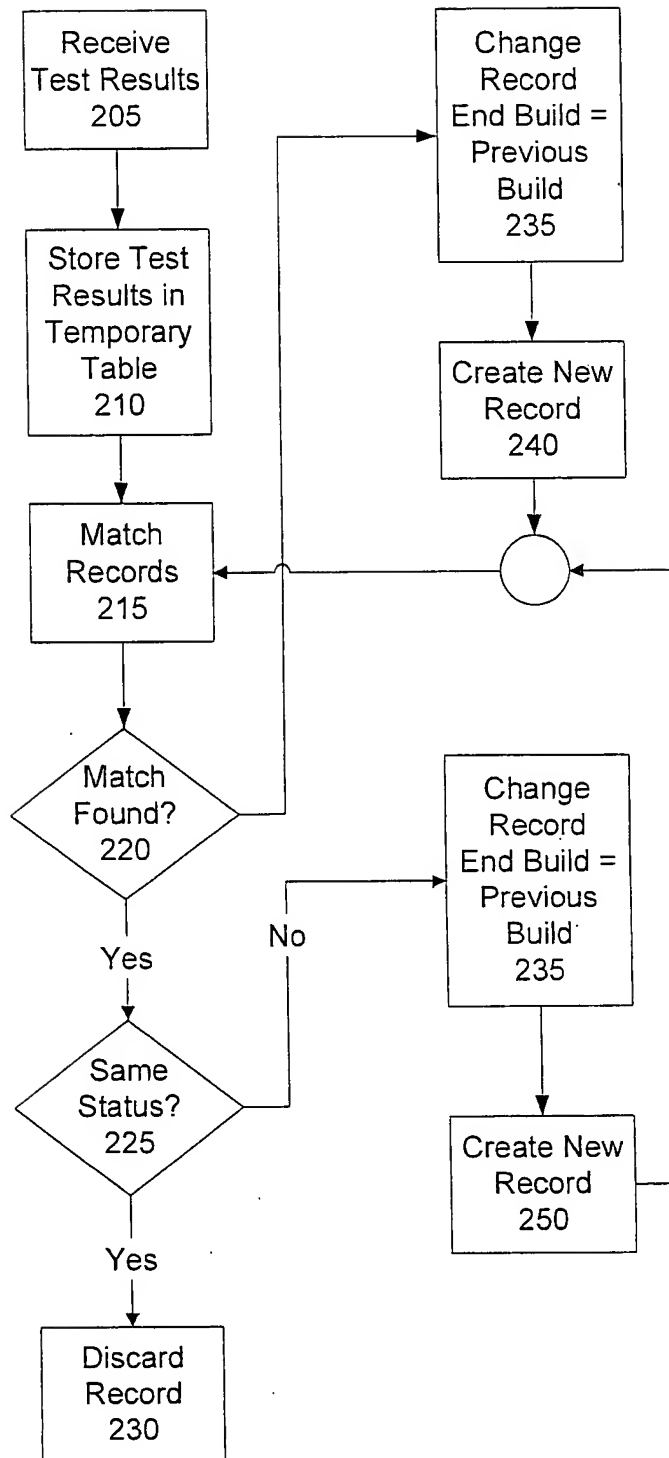


Figure 2

Test Name	Start Build	End Build	Status
PR47001	001	099	Run Time Error
PR47001	100		Fail
PR47002	001		Pass
PR47003	001	098	Time Out
PR47003	099		Pass
PR47004	001	099	Fail
PR47004	100		Pass

Figure 3

Test Name \ Build							
	001	002	003	...	098	099	100
PR47001	Run Time Error					Fail	
PR47002	Pass						
PR47003	Time Out				Pass		
PR47004	Fail					Pass	

Figure 4

DOCKET NO. 05-03-003
CLIENT NO.: UGSC01-05018
Customer No. 45113



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : BARNABY HENDERSON, ET AL.
U.S. Serial No. : 10/706,843
Filed : November 12, 2003
For : SYSTEM, METHOD, AND COMPUTER PROGRAM
PRODUCT FOR STORING TEST RESULTS IN A DATABASE
Group No. : 2167
Examiner : Susan F. Rayyan

APPENDIX C -
Evidence Appendix

Not Applicable – No other evidence was entered.

DOCKET NO. 05-03-003
CLIENT NO.: UGSC01-05018
Customer No. 45113



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : BARNABY HENDERSON, ET AL.
U.S. Serial No. : 10/706,843
Filed : November 12, 2003
For : SYSTEM, METHOD, AND COMPUTER PROGRAM
PRODUCT FOR STORING TEST RESULTS IN A DATABASE
Group No. : 2167
Examiner : Susan F. Rayyan

APPENDIX D -
Related Proceedings Appendix

Not Applicable – To the best knowledge and belief of the undersigned attorney, there are none.

Appeal Brief – Serial No. 10/706,843 Appendix D